

REMARKS

The Office Action of June 3, 2004 presents the examination of claims 1, 2 and 4-14. The present paper amends claim 1 and adds claims 15-17.

Support for Amendments

The amendments to the claims are supported at least by the drawing Figures 1-4 of the application. For example, the recitation of a "single" groove is illustrated in Figure 2. The disposition of non-knurled parts between knurled portions (claim 1) is illustrated in Figure 1, as is the absence of knurled portions at the junction of the wide groove and lateral grooves and the disposition of knurled portions between the lateral grooves (claim 15). Figure 2 clearly illustrates the embodiment of claim 16, in which no feature is present in the small groove that runs along the wide, circumferential groove bottom rib. Figure 1 clearly illustrates the embodiment of claim 17 in which the portion of the wide, circumferential groove not occupied by the groove bottom rib shows only the small ribs forming the knurled portions as any feature.

Rejections over prior art

Claims 1-2 and 6-14 are rejected as being unpatentable under 35 U.S.C. § 103(a) over Ikeda '788 in view of Nakagawa '661 or JP '012 and/or Consolacion '206. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Applicant submits that the combination of the references cited by the Examiner fails to disclose or suggest every element of the claimed invention. As a threshold matter, Ikeda '788 discloses a plurality of bottom ribs within the wide circumferential groove. Thus, at the outset, any combination with Ikeda provides a tire having such a plurality of bottom ribs, which is distinct from what is presently described as the invention. The Examiner should note the comparative data in the Table of the Ikeda '788 patent. When only a single rib is utilized in the groove ("Ref. 10"), then the resistance to cracking that is the object of the Ikeda patent is not observed. Accordingly, to combine references with Ikeda to suggest only a single rib in the wide, circumferential groove would destroy the teachings of the primary reference. This removes the motivation to combine such references or alternatively may be taken as teaching away from making such a combination. Therefore such a combination of references is insufficient to assert *prima facie* obviousness of the invention. All of the standing rejections, which combine a reference with Ikeda '788, should therefore be withdrawn on this basis alone.

Regarding the feature of the knurled portions and their disposition in the wide circumferential groove, the Examiner asserts that Consolacion discloses that the knurled portions are placed in the "aquachannel" and that because the aquachannel is defined at column 1 as an "extra wide circumferential groove" it is therefore of the same structure as in the instant invention. Examination of Figure 2 of Consolacion makes very clear that, despite correspondence of the words, the structure of the tire patterns in Consolacion and in the instant invention are very different.

Consolacion plainly shows the aquachannel as being interrupted by lug portions 23 in the outer parts of the channel, the parts not being lug portions being knurled portions. The Examiner has previously noted the description at col. 5, lines 35-40. While these parts of the tire in Consolacion might not be coincident in height with the outer part of the tread, such a structure is plainly not a "groove" as that term is used in the present application, nor even as the term is defined by Consolacion (see col. 1, lines 64-68). Note also the definition of "Lugs" at column 2, lines 9-11. As the words are defined in Consolacion, a "groove" cannot be interrupted by lugs (or knurls) as such would no longer be "an elongated void area". Thus, the "aquachannel", despite its description as a "groove" is plainly not a groove *per se* but something much more complicated.

On the other hand, in the embodiment of the invention including the knurled portions disposed intermittently in the wide circumferential groove, the knurled portions are placed within a structure that, but for the knurled portions, would indeed be "an elongated void area" and is free of lugs.

Accordingly, the combination of Ikeda with Consolacion fails to describe or suggest at least two different features of the present invention. Therefore, the rejection of claims 1-2 and 6-14 as obvious over the combination of Ikeda and Consolacion should be withdrawn.

The combination of Ikeda with Nakagawa '661 or JP '012 (hereinafter both are called "Nakagawa") also fails to disclose or suggest all of the features of the present invention. First, Nakagawa discloses that a knurled portion should be continuous along the length of the circumference of the tire. This is directly contrary to the recitation in the instant claim 1 that the knurled portion is interrupted by non-knurled portions having a positive length.

Furthermore, Nakagawa discloses either of two embodiments; a first where there is a single rib in the bottom of the wide circumferential groove and the knurled portions fill the wide circumferential groove on either side of the rib (Fig. 1) and a second in which there are two ribs at the bottom of the wide circumferential groove and the knurled portion fills the groove

between the ribs (Fig. 2). If Nakagawa's first embodiment is considered, then the feature of the present invention that the bottom rib includes a small groove is absent. If Nakagawa's second embodiment is considered, then the feature that the small groove has a flat bottom (claim 17) is absent.

For the reasons explained above, the combination of Ikeda '788 with Nakagawa fails to disclose or suggest every feature of the claimed invention, indeed the combination teaches away from the present invention, and therefore the rejection of claims 1-2 and 4-16 over the combination of Ikeda '788 and Nakagawa (either US '661 or JP '012) should be withdrawn.

Adding Consolacion to the combination of Ikeda '788 and Nakagawa does not remedy the deficiencies of the combination of Ikeda with Nakagawa alone. As explained above, Consolacion does not disclose or suggest disposition of the knurled portion in a circumferential groove at all.

As the Examiner fails to properly establish *prima facie* obviousness of the presently-claimed invention, the rejection of claims 1-2 and 6-14 under 35 U.S.C. § 103(a) over Ikeda '788, Nakagawa and/or Consolacion, should be withdrawn.

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda, Nakagawa and Consolacion as applied, in further view of JP '508. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda, Nakagawa and Consolacion

as applied, in further view of EP '480. These rejections fail for the same reason the rejection of claims 1-2 and 6-14 fail. The combination of Ikeda, Nakagawa and Consolacion does not describe or suggest every feature of claim 1. The additional references cited by the Examiner do not remedy the deficiencies of Ikeda, Nakagawa and Consolacion in this regard, and therefore the rejection of claims 4 and 5 under 35 U.S.C. § 103(a) should be withdrawn as well.

The present application well-describes and claims patentable subject matter. The favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a three (3) month extension of time for filing a response in connection with the present application. The required fee of \$980.00 is being filed concurrently with the Notice of Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)